REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on March 30, 2010. Claims 1-6, 9-14, 16-18, 42 and 46 are rejected. In this Amendment, no claims have been amended. New claims 49-67 have been added. No new matter has been added. Claim 46 has been canceled. Therefore, claims 1-6, 9-14, 16-18, 42 and 49-67 are presented for examination.

Summary of Examiner Interview

Applicants thank the Examiner for granting an Examiner Interview on April 6, 2010. In the Examiner Interview, the Examiner stated that the shortened statutory period of the current Office Action was incorrectly marked as 1 month from the mailing date of the current Office Action, and that the shortened statutory period would be corrected to 3 months from the mailing date. No agreements as to claim allowance were reached.

Rejections Under 35 U.S.C. § 103

Claims 1-6, 9-14, 16-18, 42 and 46

Claims 1-6, 9-14, 16-18, 42 and 46 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Carleton et al. (U.S. Publication No. 2001/0044840, hereinafter "Carleton") in view of Kidder et al. (U.S. patent No. 6,445,774, hereinafter "Kidder").

Carleton discloses a network monitor that collects status and statistics about device operation in a client network, and transmits the status and statistics to a monitoring server. (Carleton, page 3, paragraph [0050]). All status and statistics collected by the network

monitor of Carleton are based on port information, and can be collected by pinging or polling networked computers. (See Carleton, paragraph [0054], lines 4-8, paragraph [0075], lines 1-25, paragraph [0087], lines 1-4, paragraph [0092], lines 1-6). The network monitor of Carleton does not log into any device to monitor internal parameters of the device. Accordingly, in a decision by the Board of Patent Appeals and Interferences dated September 9, 2009, the Board held that Carleton does not disclosure a satellite system logging into a host system. Carleton therefore also fails to teach or suggest a satellite system logging into a host system to monitor an internal parameter for a predetermined event related to the host system. However, the Examiner has revived prosecution, and a current Office Action states that Kidder teaches a satellite system logging into a host system to monitor an internal parameter for a predetermined event related to the host system. Applicants respectfully disagree.

Kidder teaches a system for automating dissemination of alarm reports that have been received from a telecommunications network. In Kidder, network components of the telecommunications network generate alarms, and send the alarms to access modules. The access modules then forward the alarms to a network management system. Network monitors then gain access to the alarms by logging to an automated workflow system that facilitates user interaction with the network monitoring system. (Kidder, par. 6, lines 27-45). In Kidder, all network monitoring is performed based on the reported alarms that originate from the network components. However, the network management system does not log into any of the network components. Nor do the automated workflow system, network monitors or access modules log into the network components. Nor do the network management system, automated workflow system, network monitors or access module of Kidder log into network components to monitor internal parameters of the network components. Moreover,

in Kidder, the network management system, automated workflow system and network monitors do not even have any direct interaction with the network components, since the access modules interact with the network components to receive alarms. Accordingly, Kidder fails to teach or suggest logging into a host system by a satellite system **to monitor an internal parameter for a predetermined event related to the host system**, as recited in claim 1.

The current Office Action cites column 9, lines 40-50 and column 6, lines 55-61 of Kidder as teaching logging into a host system by a satellite system to monitor an internal parameter for a predetermined even related to the host system. Specifically, the current Office Action states, "Kidder teaches in analogous art, such idea of logging into a host system by a network monitor remotely (claimed satellite system which is disclosed as being a processing system) (see column 9, lines 40-50; Kidder teaches the network monitor 204 logs into the automated workflow system 409. The network monitor 204 is described in column 6, lines 55-31 as being an automated or semi-automated process)." Applicants respectfully disagree with Examiner's reading of Kidder.

As stated by the Examiner, the cited passages of Kidder teach a network monitor logging into an automated workflow system. The network monitor, though consistently referred to as a person, in one embodiment may be an automated apparatus. However, the automated workflow system of Kidder is not the same as the claimed host system and the network monitor of Kidder is not the same as the claimed host satellite system. Moreover, the network monitor logs into the automated workflow system in order to "view and analyze the alarm reports that were produced by the network management system [which are in turn based on actual alarms generated by network components which were sent to the network

management system], determine the set of events that best represent the alarm reports, identify which events represent some sort of anomaly within the network, and take action to resolve the anomaly." (Kidder, col. 6, lines 41-55). The network monitor does not log into the automated workflow system **to monitor an internal parameter of the automated workflow system**, such as processor utilization, disk utilization, memory utilization, etc. of the automated workflow system. Accordingly, Kidder fails to teach or suggest the limitations of claim 1 that are missing from Carleton.

For the above reasons, applicants respectfully request that the rejection under 35 U.S.C. § 103(a) to claim 1 and its dependent claims be withdrawn.

Claims 51-67

Newly added claim 51 recites:

> A machine readable medium including instructions that, when executed by a processor, cause the processor to perform a method comprising:
>> **accessing a port of a host system and logging into said host system by a satellite system to monitor an internal parameter of the host system for a predetermined event;**
>> **monitoring the internal parameter of the host system for the predetermined event by the satellite system while the satellite system is logged into the host system;**
>> transferring data about the predetermined event from the satellite system to a monitoring operations center;
>> generating, by the monitoring operations center, a notification upon an occurrence of the predetermined event to a first person in a hierarchy; and
>> escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period.

(emphasis added).

As discussed above, the combination of Carleton and Kidder fails to teach or suggest a satellite system logging into a host system to monitor an internal parameter for a

predetermined event related to the host system. As also discussed above, Kidder teaches a network monitor that logs into an automated workflow system. However, the network monitor of Kidder does not monitor any internal parameters of the automated workflow system while the network monitor is logged into the automated workflow system. Instead, the network monitor of Kidder monitors errors of network components that were previously reported by those network components. Accordingly, the combination of Carleton and Kidder also fails to teach or suggest monitoring an internal parameter of a host system for a predetermined event by a satellite system while the satellite system is logged into the host system, as recited in claim 51. Applicants thus respectfully submit that claim 51 and its dependent claims are patentable over the combination of Carleton and Kidder.

Claim 61 includes the language, "a host satellite system having a first processor to … access a port of a host system and log into said host system to monitor an internal parameter of the host system for a predetermined event," and "monitor the internal parameter of the host system for the predetermined event while logged into the host system." As discussed above, these limitations are not taught by the combination of Carleton and Kidder. Accordingly, applicants respectfully submit that claim 61 and its dependent claims are also patentable over the combination of Carleton and Kidder.

Conclusion

Applicants respectfully request the withdrawal of the rejections and submits that pending claims 1-6, 9-14, 16-18, 42 and 49-67 are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 11, 2010   /Benjamin A. Kimes/
Benjamin A. Kimes
Registration No. 50,870

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300